

First-tier Tribunal for Scotland (Housing and Property Chamber)

Reference number: FTS/HPC/PF/25/3218

**Re: Property at Flat 15, 11 Slateford Gait, Edinburgh, EH11 1GW
("the Property")**

The Parties Ms Jane Hogg ("the Applicant")

James Gibb Property Management Ltd ("the Respondent")

Case Management Discussion:

Tribunal Members

Fiona Cook (Legal Member) and Frances Wood (Ordinary Member)

Background

1. The Applicant made an application to the Tribunal on 27th July 2025 which was accepted by them on 21st August 2025.
2. In her Application, the Applicant asked the Tribunal to decide that the Respondent had failed to comply with paragraph 2.7 of Section 2: Communications and Consultation and paragraph 3.1 of Section 3: Financial Obligations of the Code of Conduct. She also asked the Tribunal to decide that there had been a failure to carry out the Property Factor's duties.
3. In the C2 application the Applicant had referred to Sections 2.5 and 2.6 of the Code at the section relating to Property Factor's duties, as well as referring to a failure to communicate in a timely and respectful manner, a lack of documentary support for charges, retrospective billing without contractual justification and double charging of both current and former owners. It was not clear to the Tribunal what parts of the code or what duties the Applicant was referring to and the Tribunal members in their pre-hearing discussion noted that further clarification would be required by the Applicant.
4. The casefile contained a copy of the Written Statement of Services and copies of emails between the parties.
5. The Tribunal noted that the Respondent had written to the Applicant on 12th June 2025 regarding historic electricity charges. On 15th June 2025 the Applicant emailed

the Respondent, and her email was headed "Request for Clarification and Formal Dispute of Backdated Communal Electricity Charges".

6. On 30th June 2025 the Respondent emailed the Applicant to advise that her email was currently under review and that they would "reply in due course".
7. The Applicant wrote to the Respondent again on 23rd July 2025 as she had heard nothing further and referred the Respondent to their Written Statement of Services. She noted that she had not received a response within the timeframe specified in that document (7 working days) and that her concern had not been resolved within the specified timeframe set out in the Complaints section of the WSS.
8. The Tribunal received an email from the Respondent on 11th December 2025 which included an email they had received from the Applicant on 22nd September 2025, and which stated "Thank you for your detailed response and for clarifying the backdated electricity charges and emergency lighting works. I'm satisfied with the explanations and appreciate the transparency." The email then goes on to raise issues with signage at the property which was not an issue raised by the Applicant in her earlier emails or in her application to the Tribunal.
9. The Tribunal sent a copy of this email to the Applicant on 18th December 2025 and then wrote to the Applicant on 22nd December 2025 asking for her comments as the covering email sent by the Respondent to the Tribunal asked if "this case will now not proceed."
10. The Tribunal received no response from the Applicant and neither party sent Written Representations to the Tribunal or intimated whether they were attending the Case Management Discussion.
11. The Case Management Discussion took place at 2pm on 27th January 2026. Marianne Togneri attended on behalf of the Respondent. The Applicant had not joined the call by 2.08pm. The Tribunal clerk telephoned her mobile number at the request of the Tribunal but there was no answer.
12. The Applicant had not provided written representations and had not advised the Tribunal whether she intended to attend the CMD by completing the form sent to her. She did not respond to emails sent by the Tribunal on 18th and 22nd December 2025. She did not join the CMD on 27th January 2026 and did not answer her telephone when the Tribunal clerk contacted her.

13. The Tribunal decided that the Applicant had therefore failed to co-operate with the First-tier tribunal to such an extent that they could not deal with the proceedings fairly and justly and therefore and in terms of s.27 (2) (b) of the First-tier Tribunal for Scotland Housing and Property Chamber rules of Procedure 2017 the application is dismissed.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, a party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Fiona Cook

Chairperson of the Tribunal

Dated: 27th January 2026